

1 UNITED STATES BANKRUPTCY COURT
2 NORTHERN DISTRICT OF ILLINOIS
3 EASTERN DIVISION

4 In Re: MICHAEL L. BUTLER

Chapter: 7

5 Debtor(s)

Case No. 23-08477

Judge: Hon. Donald R. Cassling

6
7 **NOTICE OF MOTION**

8 TO: See attached list

9 **PLEASE TAKE NOTICE** that on **APRIL 16, 2024, at 9:30 am.**, I will appear before
10 the Honorable Donald R. Cassling or any judge sitting in that judge's place, **either** in courtroom
11 **619**, of the Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago,
IL 60604, **or** electronically as described below, and present *the motion of Debtor to Reopen*
Chapter 7, a copy of which is attached.

12 **Important: Only parties and their counsel may appear for presentment of the motion**
13 **electronically using Zoom for Government. All others must appear in person.**

14 **To appear by Zoom using the internet**, go to this link: <https://www.zoomgov.com/>.
Then enter the meeting ID and passcode.

15 **To appear by Zoom using a telephone**, call Zoom for Government at 1-669-254-5252
16 or 1-646-828-7666. Then enter the meeting ID and passcode.

17 **Meeting ID and passcode.** The meeting ID for this hearing is **161 414 7941** and the
18 passcode is **619**. The meeting ID and passcode can also be found on the judge's page on the
court's website.

19 **If you object to this motion** and want it called on the presentment date above, you must
20 file a Notice of Objection no later than two (2) business days before that date. If a Notice of
21 Objection is timely filed, the motion will be called on the presentment date. If no Notice of
Objection is timely filed, the court may grant the motion in advance without calling it.

22
23 By: /s/ J. Kevin Benjamin
24 Benjamin Legal Services
25 1016 West Jackson Blvd.
Chicago, Illinois 60607-2914
26 Phone: (312) 853-3100
ARDC #: 6202321
attorneys@benjaminlaw.com
27
28

CERTIFICATE OF SERVICE

I, J. Kevin Benjamin, certify that I served a copy of *the attached Notice and attached Motion* on each entity shown on the attached list at the address shown and by the method indicated on the list on April 9, 2024.

Notice will be electronically mailed to:

Richard B Aronow on behalf of Creditor Wells Fargo Bank, N.A.
LOGSECF@logs.com, aronow@logs.com

Cheryl A Considine on behalf of Creditor New Rez LLC d/b/a Shellpoint Mortgage Servicing
bankruptcy@hsbattys.com, bk-4hsbm@gmail.com, hbm@ecf.courtdrive.com

Patrick S Layng
USTPRegion11.ES.ECF@usdoj.gov

Gus A Paloian
gpaloian@seyfarth.com, jmcmanus@seyfarth.com; agoehl@seyfarth.com; ecf.alert+Paloian@titlexi.com; 3275759420@filings.docketbird.com

Maria Sanchez on behalf of Creditor New Rez LLC d/b/a Shellpoint Mortgage Servicing
MariaSanchez@hsbattys.com, bankruptcy@hsbattys.com; bk4hsbm@gmail.com; hbm@ecf.courtdrive.com

DEBTOR

Michael L. Butler (served by email 4/9/24)

SERVICE LIST FOR PARTIES IN INTEREST SERVED BY MAIL

Nicki Tamosiunias
969 Elmhurst Road
Des Plaines, IL 60016-0001

Nicki Tamosiunias
6419 W 91st St
Oak Lawn, IL 60453

Nicki Tamosiunias
516 The Hague
Peotone, IL 60468

Mr. Peter A. Papoutsis
PAPOUTSIS LAW
1250 W. Lake Street

1 Unit 5
2 Addison, Illinois 6010

3 **OTHER CREDITORS**

4 **Affirm INC**
5 650 California ST FL 12
6 San Francisco CA 94108-2716

6 **Bank of America**
7 150 N College St
8 Charlotte NC 28255

8 **Bank of West**
9 320 S Canal St
10 Chicago IL 60606-5707

10 **Best Buy/CBNA**
11 50 Northwest Point Road
12 Elk Grove Village IL 60007

12 **Blitt and Gaines PC**
13 Atty for Ford Motor Credit Company
14 775 Corporate Woods Pkwy
15 Vernon Hills IL 60061-3112

15 **Brian A Stines Esq**
16 c/o Shiny Investments LLC
17 200 W Main St
18 Saint Charles 60174-1812

18 **Cenlar**
19 PO Box 11733
20 Newark NJ 07101-4733

20 **Central Loan Admin & R**
21 425 Phillips Blvd
22 Ewing NJ 08618

22 **CitiCards CBNA**
23 PO Box 6241
24 Sioux Falls SD 57117

24 **Commercial Collection Bureau**
25 149 Thompson Ave E St 214
26 Saint Paul MN 55118-3264

26 **DEPT of ED/Nelnet**
27 121 South 13th St
28

1 Lincoln NE 68508

2 **Ford Motor**

3 National Bankruptcy Service Center
PO Box 62180

4 Colorado Springs CO 80962-4400

5 **Illinois Department of Revenue**

Bankruptcy

6 PO Box 19035

7 Springfield IL 62794-9035

8 **Illinois Secretary OF State UCC**

Division

9 50 W Howlett Bld

Springfield IL 62706-0001

10

Internal Revenue Service

11

Centralized Insolvency Operation

12

PO Box 7346

Philadelphia PA 19101-7346

13

Markoff Law

14

29 N Wacker

Chicago IL 60606

15

Python Financial Solutions Inc

16

4800 Montgomery LN FL 10

Bethesda MD 20814-3472

17

THD CBNA

18

PO Box 6497

Sioux Falls SD 57117

19

Toorak Capital Partners LLC

15 Maple St

Summit NJ 07901-5008

20

UChicago Medicine

33343 Collections Center Drive

Chicago IL 60693

21

Garnishment Division

Office of the City Comptroller

121 N LaSalle St

7th Floor

Chicago, IL 60602

garnishments@CityofChicago.org

VIA EMAIL: garnishments@CityofChicago.org

22

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In Re: MICHAEL L. BUTLER

Chapter: 7

Case No. 23-08477

Debtor(s)

Judge: Hon. Donald R. Cassling

MOTION TO REOPEN CHAPTER 7

NOW COMES MICHAEL L. BUTLER (“Debtor”), by and through his attorney, J. Kevin Benjamin, and moves this Court under 11 U.S.C. § 350(b) and Bankruptcy Rule 5010 for an order reopening the bankruptcy case and for authorization to amend schedule F; file motion(s) without limitation: to compel Nicki Tamosiunias to cease from garnishing Debtor’s wages with the City of Chicago; to have City of Chicago turnover to Debtor any funds on hand garnished; compel Nicki Tamosiunias to turnover any funds received from the post-discharge garnishment; allow Debtor to file Rule to Show Cause why Nicki Tamosiunias, and her attorney, Mr. Peter A. Papoutsis and Papoutsis Law should not be held in contempt for violation of Debtor’s discharge injunction; to seek sanctions and recovery of actual damages, compensatory damages, attorney fees and punitive damages against Nicki Tamosiunias, and her attorney, Mr. Peter A. Papoutsis and Papoutsis Law’s for their willful, deliberate and intentional violation of Debtor’s discharge, and any related relief. In support thereof, the Debtor states as follows:

JURISDICTION & VENUE

1. The Court has jurisdiction to hear and determine this proceeding under 28 U.S.C, §157(b)(2), IOP 15(a), and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.

2. Venue is proper in this District under 28 U.S.C. §§ 1408 and 1409.

CORE PROCEEDING

1 3. This is a core proceeding within the meaning of 28 U.S.C. §157 (b).

2 **BACKGROUND AND FACTS**

3 4. Michael Butler is the debtor in the above-captioned Chapter 7 proceeding, which was
4 filed Pro-Se by Mr. Butler with the court on June 28, 2023, discharged on December 19, 2023,
5 and closed on December 22, 2023.

6
7 5. On July 12, 2024, counsel filed his appearance for the Debtor.

8 6. The Debtor inadvertently failed to list a judgment creditor and requests the case be
9 reopened so the judgment creditor (Nicki Tamosiunias) may be listed, noticed out.

10 7. Nicki Tamosiunias (“Nicki”) is represented by her attorney, Mr. Peter A. Papoutsis
11 and Papoutsis Law, (jointly “Papoutsis”), who is her authorized agent. Peter A. Papoutsis.

12 8. Despite the Debtor's omission, Nicki and Papoutsis were aware of the Debtor's
13 Chapter 7 case and filed a Citation to Discover Assets to the Debtor’s Employer, City of
14 Chicago, on February 12, 2024.

15
16 9. On April 2, 2024, counsel for Debtor contacted Papoutsis by email and by written
17 letter, putting Papoutsis and Nicki on fair notice as to the violation of the discharge injunction,
18 explaining and citing the relevant case law, explaining that with a no-asset finding, the debt was
19 discharged unless they wanted to contest it under section 523 or 527 of the bankruptcy code.

20 10. Despite this, Papoutsis immediately responded that the discharge was invalid despite
21 the law and despite not having a claim under section 523 or 727 of the Code.

22 11. Counsel for Debtor put Papoutsis and Nicki on fair notice as to their violation
23 numerous times in the next few days.

24
25 12. Finally, counsel for Debtor again put them on fair notice on April 3, 2024, and stated
26 The debtor was to be paid again on April 5, 2024, and requested they cease and desist, honor the
27 discharge injunction, revoke the garnishment and turnover any funds collected.
28

1 13. Papoutsis responded it was counsel for Debtors' obligation to notify the City of
2 Chicago and "order them" to stay the garnishment while any "issue" is resolved.

3 14. Counsel for the Debtor alerted Papoutsis that he did not have the authority to have the
4 City of Chicago "stay" anything but that Papoutsis did and, in fact, had an obligation to do so.

5 15. Papoutsis, and thus Nicki, refused to comply.

6
7 16. On April 5, 2024, the Debtor was again garnished by Nicki and Papoutsis willfully
8 and in blatant violation of the discharge injunction despite being put on fair notice numerous
9 times, including counsel for Debtor letting Papoutsis know he would be forced to reopen the
10 case, not to litigation Nicki's discharge, but to pursue Nicki and Papoutsis for damages for their
11 willful violation of the discharge injunction.

12 17. The debtor requests the fee to reopen the case be waived as the debtor filed this
13 motion for an alleged violation of the terms of the discharge under 11 U.S.C Section 524.

14
15 **WHEREFORE,** the Debtor respectfully asks the Court to enter an order: (1)
16 reopening this case; (2) authorizing the Debtor's counsel to file necessary amendments and
17 motions related to the discharge injunction; (3) to represent the Debtor in seeking sanctions
18 against Nicki Tamosiunias, and her attorney, Mr. Peter A. Papoutsis and Papoutsis Law for their
19 willful, deliberate and intentional violation of Debtor's discharge, and any related relief.; and (4)
20 for such other and further relief as this Court deems appropriate.

21
22 Respectfully Submitted this 9th day of April, 2024.

23 MICHAEL L. BUTLER

24 (Debtor)

25 By: /s/ J. Kevin Benjamin
26 Benjamin Legal Services
27 1016 West Jackson Blvd.
28 Chicago, Illinois 60607-2914
Phone: (312) 853-3100
ARDC #: 6202321
attorneys@benjaminlaw.com